

FILED

U.S. DISTRICT COURT, MIDDLE DISTRICT
OF PENNSYLVANIA

JUN 13 2022

PER JB
DEPUTY CLERK

Daniel T. FINEFROCK

-VS-

PAROLE NO: 907AC

THE COMMONWEALTH OF
PENNSYLVANIA BOARD OF PROBATION
AND PAROLE

INSTITUTION NO: JC2414

①

Writ of Habeas Corpus Petition For summary disposition/
Habeas Corpus AD ~~Subject~~ cum Article I, Section 14 Pa. Constitution
42 PA C.S. § 6501, 6502, 6503, 6504, 6505, F.E.D R.C.P. Rule 42.28 U.S.C. §
642.01(2), 18 U.S.C. § 401

Now, comes the Petitioner, Daniel T. Finefrock, Petitioner,
injured Party in Heresy moves this court For the relief set Forth
below, as shall rely upon the Following in support There of:

Petitioner is Entitled to a Habeas Corpus...

②

Further, Article I, Section 14 of the 1968 Pennsylvania
Constitution guarantee such right is not to be suspended or
deprived/Hampered as to amount to a practical deprivation... com.
ex rel Greeny Vs. Reifstuck, 115 A. 130, 132 (Pa. 1921)

In that The United States, Nor the Commonwealth of
Pennsylvania is not being invaded by a Foreign power, Nor has

there been a Formal declaration of Constitution to Inquire into the true Cause of Respondents restraint of the Petitioners Liberties. Petitioner proffers that such a writ exists where there is No remedy... See 42 Pa C.S. § 6503 (A)...

As relators inquiry into cause of his unlawful extending or Judicial imposed max Date/detention/confinement by the Pennsylvania Board of Probation and Parole/Department of Correction is the only Question upon De Novo Review...

- ③ Benefits of the remedy Ad Subjunctum is still Independent when one is unlawfully confined, and the cause and commitment is challenged where No "instrument" is Not cognizable under 42 Pa. C.S. § 6501, and 6503(A)... See *Burkette vs. Love*, 89 F. 3d 135, 141 (3rd cir 1996)

"The Writ of Habeas Corpus may issue in all sorts of cases where it is shown to the court that there is probable cause for believing that a person is restrained of his/her Liberty, unlawfully or against the due process of Law" "Williams vs Lewis, 39 PA. 9.29 (1861)"

"Our concept of ordered Law demands that a means of relief be available to Relators/Petitioners unlawfully in custody...
" *com. ex rel Paulinski vs. Issac*, 397 A. 2d 760, 763 (1979)

In *Com. Vs. Brown*, 943 A.2d 264 (PA:2008), the Court explained the danger of circumventing issues applicable to a Habeas Corpus proceedings.

- ④ "Where I believe the majority erred and where I concede this court has, in the past, erred as well, even in cases I have joined is in defining as cognizable all claims that fall within a category as to which the vast majority of such claims will become apparent within the time limit provided..."

In essence it is a one-size fits all jurisprudence that disregards the very real prospect of individual injustice.

"It should go without saying that this status quo is unsustainable to the extent it runs a foul of overriding sources of law such as the Pennsylvania and United States Constitution, the supremacy of which is beyond civil..."

2. Wherefore, Petitioner/Relator Avers the means of his unlawful detention/extended max-dates are directly resultant from the foregoing facts and authorities:

Statement of Facts

A.) Relator/Petitioner is unlawfully detained/contained by the DOC and S.C.I. Albion because of the extending of

Petitioner max-date by the Pennsylvania Board of Probation and Parole...

- ⑤ Petitioner's 5th & 14th Amendment has been and is violated because of the Parole Board's decision, Abuse of Separation of Doctrine Power, I've been prejudice and my rights to Liberty has been violated by there Arbitrary Behavior...

Recorded on September 02, 2021 The Board of Probation and Parole moved Petitioner's controlling max date from ~~MAY~~ 01, 2027 to recomputed maximum date August 13, 2029. Exhibits 1, 2, & 3 recorded records from the Pennsylvania Board of Probation and Parole's decision, recalculation sheet/order to recommit and The Commonwealth of Pennsylvania DC-16^E sentence Status Summary...

Daniel T. FineFrock The Petitioner was sentenced to a new conviction instead of the Pennsylvania Board of Probation and Parole Ordering the Petitioner to Finish the remainder of his time, they violated due-process and Separation of Power doctrine and moved Daniel T. FineFrock, Petitioner's original max date from May 01, 2027 to recomputed maximum date August 13, 2029...

- ⑥ B.) Understanding it must create significant risk of increasing or prolonging a prisoners punishment... Garner vs. Jones, Supra, stating that the dispositive question is whether the new Law creates a significant risk of prolonging Respondents Incarceration...

Simply because a Law is Labeled "Procedural" in Nature does not remove it from ex post Facto Scrutiny... See Collins vs. Youngblood, 497 U.S. 37, 46 (1990). Holding that a Legislature does not immunize a Law from Ex post Facto Scrutiny by Labeling it "Procedural"...

"Detention beyond The Termination Date of a Judicially-Imposed maximum sentence could constitute cruel and unusual punishment. It is the result of Deliberate Indifference to the prisoners Liberty Interest",
Estelle vs. Gamble 429 U.S. 97 S.Ct. 285 (1976)

③ With all due respect on this Day of February 3, 2022 the District Justice Have agreed: The Pennsylvania Board of Probation and Parole, herein AFTER "PBPP" has violated the separation of Power Doctrine by interfering or recalculating the Finality of the Original Sentencing Courts.

PBPP does not have the Authority to extend a Defendants Judicially

Imposed maximum sentence date.

Additionally, The Federal District Justice Agreed: PDPP has continuously, deliberately and contemptuously changed, altering, rearranging, and recalculating Pennsylvania Defendants Legally imposed Sentences by the Commonwealth Courts...

As a result of this Action, the court has rendered that the consequences of the erroneous sentences being implemented to the defendant, thus by a body of Administrators that lack the jurisdiction or Judicial Authority to do so, is direct contempt outside the presence of the original Sentencing Court...

⑦ This manner of contempt outside the presence of the Original Sentencing court is a direct obstruction of the Administration of Justice that was originally imposed

see: Fumea Vs. PA Board of Probation and Parole,
147, A.3d, 610, (Pa. Sup. et 2016)

Shields vs PA Board of Probation and Parole,
345, Fed, App, Feb, 3, 2022 Originally
published under: March 12, 2020...

Pensuke Vs PA Board of Probation and Parole,
203, A.3d, 401 (PA Sup. et. 2020...

4.) The Legislative Power of state extends to within the sphere of such power, except as it is restricted by Federal and state Constitutions or consequently, restricted by exercising over something (criminal statutes) That for which the state Constitution had not made any provision..

" People Vs Mitchell, 35 NY. AT 551 - Matter of Clanton Street 2, PA. AT 559, com. vs Smith, 4 Pa. AT 123.

Supporting Exhibits

In support of this Petition, I Daniel T. FineFrock, Petitioner have attached the following exhibits:

(8)

Exhibit (A): Probation and Parole Decisions

Exhibit (B) Recalculation sheet/order to Recommit.

Exhibit (C) Commonwealth of Pennsylvania DC-16^E
Sentence Status Summary.

Judicial Notice

5.) I Daniel T. FineFrock, Petitioner aver that the privilege of Habeas Corpus shall be available to all person having their Liberty deprived by means of unlawful restraint, and this privilege shall not be suspended unless when in case of Rebellion or Invasion the Public Safety may require it. This Fact is supported by the Constitutional provision, at Pennsylvania Constitution, Article I, Section 14,

As well as the statutory provision at 42 Pa. C.S. § 6501, writ not to be suspended.

6.) To that end, the Petitioner further avers that The Commonwealth of Pennsylvania is not currently under invasion, nor have the citizens of this Commonwealth taken a position of rebellion, nor has there been any executive order declaring or instituting martial law, nor has there been any executive or judicial order declaring the suspension of activities within the courts of this Commonwealth.

⑨ As a result the Petitioner avers that his privilege to the writ of Habeas Corpus must be acknowledged as protected by the Laws of the General Assembly of the Commonwealth of Pennsylvania and the Constitution of Pennsylvania.

Relief

7.) Wherefore, For the foregoing reason I, Daniel T. FineFrock, Petitioner request that this Honorable Court:

A) Grant the requested writ of Habeas Corpus Petition For summary disposition/ writ of Habeas Corpus, and issue a rule upon the respondent Compelling

The respondent to show cause why the Petitioner is not entitled to the requested relief, Pursuant to Pennsylvania Constitution Article 1, Section 14, 42 PA. C.S. § 6501, 42 PA. C.S. § 6502, and PA. R.C.P. Rule 206.7, or in the alternative.

- (10) B.) Grant the requested writ of Habeas Corpus Petition For summary disposition and provide relief by ordering that the Petitioner Original Max-date Immediately be reinstated and released From the unlawful restraint of his Liberties imposed by the Pennsylvania Board of Probation and Parole...

Acknowledge the Boards recalculations, moving of Judicially Imposed max dates are a violation of the principle of separation of Powers Doctrine...

The Doctrine of Separation of Power is based upon the long standing recognition that the Powers of the three branches of Government, judicial, Legislative, and Executive are co-equal and distinct from one another...

Commonwealth vs. Sutley, 474 PA. 256, 378 A.2d 780, 782 (1977)

As, such the branches should be kept Separated, distinct, and Independent of one another. (Id. AT 783)

Thank this Honorable Court For its time and Patience..

US DISTRICT COURT, Middle DISTRICT
OF Pennsylvania

Daniel T. FineFrock

VS-

Parole NO: 907A0

The Commonwealth OF
PENNSYLVANIA BOARD OF
Probation And Parole

INSTITUTION NO: JC2414

Certificate of Service

I Daniel T. FineFrock, Petitioner in the above captioned matter, hereby Certify That on this day a true and correct copy of this "Petition For writ of Habeas Corpus Petition For Summary Disposition" is being served upon the persons listed below in accordance with governing rules of court, satisfies the requirements of RA, R.A.P. 121...

1) US District Court; MIDDLE District of PA,

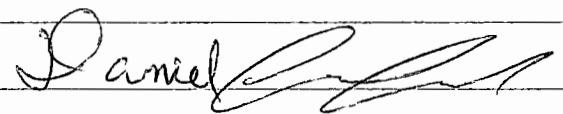
Verification

This writ of Habeas Corpus Petition For Summary Disposition is subscribed to under the pains and penalties of perjury. Sworn to and

Verified under the Constitution of the
Republic, Dated this Day of May 2022.

Respectfully Submitted

Daniel T. FineFrock

A handwritten signature in cursive script, appearing to read "Daniel T. FineFrock".

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Albion, PA, 16475

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Inmate Mail
PA Dept of
Corrections



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US DISTRICT Court of PA
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228 Walnut St
Harrisburg PA 17101

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